

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Christopher Young,)	Case No.: 2:21-cv-01696-JD-MGB
)	
Plaintiff,)	
)	
vs.)	
)	OPINION & ORDER
Christopher Maitland, et al.,)	
)	
Defendants.)	
)	

This matter is before the Court with the Report and Recommendation of United States Magistrate Mary Gordon Baker (“Report and Recommendation”), made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.¹ Christopher Young (“Young” or “Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. (DE 1.)

On August 20, 2021, service was authorized on the Defendants, and summonses were issued with a service deadline of November 18, 2021. (DE 24.) On September 23, 2021, the summonses for Defendants Christopher Maitland (“Maitland”) and Felicia Wilson (“Wilson”) (collectively “Defendants”) were returned, unexecuted. (DE 29.) The summonses included the following “special instructions”: for Maitland, “Jail Guard at Florence County Detention Center” and for Wilson, “RN-Florence County Detention Center.” (DE 29.) The summonses were served

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

at Florence County Detention Center and were returned because there was “no one employed by that name.”

On September 24, 2021, the Court issued an Order advising Plaintiff of his responsibility to provide information sufficient to effect service on Defendants. (DE 30.) The Court reminded Plaintiff that the United States Marshal cannot serve an inadequately identified Defendant and advised Plaintiff that Defendants may be dismissed as party Defendants if they are not served with process within the requisite 90-day period, by November 18, 2021, pursuant to Rule 4(m), Fed. R. Civ. P.

The Court instructed Plaintiff to provide any additional identification or location information he may have for these Defendants without delay. The Court’s Order was returned as undeliverable, with no forwarding address provided on October 15, 2021. (DE 36.) On November 22, 2021, Plaintiff filed a notice of address change. (DE 42.) The Court extended Plaintiff’s deadline to provide information sufficient to effect service on Maitland and Wilson to December 13, 2021. (DE 43.) Plaintiff has failed to respond. The Report and Recommendation was issued on December 20, 2021, recommending that Plaintiff’s claims against Maitland and Wilson be dismissed without prejudice. (DE 47.)

Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference.

It is, therefore, **ORDERED** that Defendants Christopher Maitland and Felicia Wilson are dismissed without prejudice for lack of prosecution, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph Dawson, III". The signature is fluid and cursive, with the "J" and "D" being particularly large and stylized.

Joseph Dawson, III
United States District Judge

January 31, 2021
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.